

FORM PTO-1390
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

FJIN-107

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/787,397

INTERNATIONAL APPLICATION NO.
PCT/JP99/05080INTERNATIONAL FILING DATE
September 17, 1999PRIORITY DATE CLAIMED
September 17, 1998

TITLE OF INVENTION PREVENTIVE AND/OR THERAPEUTIC FOR OBESITY

APPLICANT(S) FOR DO/EO/US

Masaaki Goto, Akihiro Tomoyasu, Kyoji Yamaguchi, Masahiko Kinoshita, Nobuaki Nakagawa

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - a. English translation of Japanese patent application 263004/1998 filed September 17, 1998
 - b. Copy of Notification Of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed 04 May 2001
 - c. Second Substitute Sequence Listing, Computer Diskette of the Second Substitute Sequence Listing in computer-readable form, and Statement Regarding Sameness and New Matter with Regards to the CRF and the Second Substitute Sequence Listing

05/21/2001 LLA ANDGRA 00000074 09787397

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130.00 DP

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/787,397	INTERNATIONAL APPLICATION NO. PCT/JP99/05080	ATTORNEY'S DOCKET NUMBER FJIN-107
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17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **\$1000.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... **\$860.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$710.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$690.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) **\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT = \$ _____

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).
\$ **130.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		X \$18.00
Independent claims	- 3 =		X \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00
TOTAL OF ABOVE CALCULATIONS			= \$ 130.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

SUBTOTAL = \$ 130.00

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).
+ \$ _____

TOTAL NATIONAL FEE = \$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00 per property** + \$ **40.00**

TOTAL FEES ENCLOSED = \$ 170.00

	Amount to be refunded:	\$ _____
	charged:	\$ _____

a. ☒ A check in the amount of \$ 170.00 to cover the above fees is enclosed.

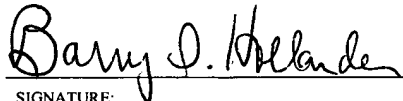
b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 501032. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
Barry I. Hollander, Esq.
Hollander Law Firm, P.L.C.
Suite 305, 10300 Eaton Place
Fairfax, Virginia 22030
(703) 383-4800

Date: 5/17/01


 SIGNATURE:
Barry I. Hollander
 NAME
28,566
 REGISTRATION NUMBER

REC'D PCT/PTO 17 MAY 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : GOTO et al.
Serial No. : 09/787,397
Filed : March 16, 2001
For : PREVENTIVE AND/OR THERAPEUTIC FOR OBESITY

EXPRESS MAIL CERTIFICATE

Date MAY 17, 2001 Label No. EK 729153072 US

I hereby certify that, on the date indicated above, I deposited this paper and accompanying papers and fee with the U. S. Postal Service and that it was addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231, by "Express Mail Post Office To Addressee" service.

PHYLLIS D. CALDWELL
Name (Print)

Phyllis D Caldwell
Signature